



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/781,585      | 02/13/2001  | Akira Ishida         | P101201-00013       | 9722             |

7590 12/01/2003

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
Suite 600  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5339

EXAMINER

YUN, EUGENE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2682

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/781,585

Applicant(s)

ISHIDA, AKIRA

Examiner

Eugene Yun

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamabe et al. (US 5,319,795).

Referring to Claim 1, Hamabe teaches a radio base station (fig. 1) for performing a radio communication with a plurality of mobile stations (fig. 2) with a space division multiplex method, the radio base station being characterized by:

Transmitting an instruction to stop performing a diversity reception to a mobile station which the radio base station is to communicate with by the space division multiplex method (see col. 9, lines 1-12).

Referring to Claim 2, Hamabe also teaches a creation means for creating a piece of traffic channel assignment information after receiving a traffic channel assignment request from a mobile station (see col. 6, lines 56-61);

Art Unit: 2682

An attachment means for attaching the diversity reception stop instruction to the piece of traffic channel assignment information (see col. 6, lines 66-68 and col. 7, line 1) and

A transmission means for transmitting the piece of traffic channel assignment information with the diversity reception stop instruction, to the mobile station as a response to the traffic channel assignment request (see col. 7, lines 1-7).

Referring to Claim 3, Hamabe also teaches a determination means for determining, after receiving a traffic channel assignment request from a mobile station, whether to allow the mobile station to space-division-multiplex with another mobile station which has communicated with the radio base station (see col. 6, lines 19-27);

a creation means for creating a piece of traffic channel assignment information when the determination means determines to allow the mobile station to space-division multiplex with the other mobile station (see col. 6, lines 56-61);

An attachment means for attaching the diversity reception stop instruction to the piece of traffic channel assignment information (see col. 6, lines 66-68 and col. 7, line 1) and

A transmission means for transmitting the piece of traffic channel assignment information with the diversity reception stop instruction, to the mobile station as a response to the traffic channel assignment request, and transmitting the diversity reception stop instruction to the other mobile station through a traffic channel (see col. 7, lines 1-7).

Art Unit: 2682

Referring to Claim 4, Hamabe teaches a mobile station (fig. 2) for performing a diversity reception, the mobile station having a plurality of antennas 4-1-4-j (fig. 1) and comprising:

A judgement means for judging whether a diversity reception stop instruction has been received from a radio base station (see col. 6, lines 66-68 and col. 7, line 1); and

A stop means for stopping the diversity reception when the judgement means judges that a diversity reception stop instruction has been received (see col. 7, lines 1-7).

Referring to Claim 5, Hamabe also teaches a reception means for receiving a piece of traffic channel assignment information from the radio base station as a response to a traffic channel assignment request sent to the radio base station (see col. 9, lines 7-9), wherein

The judgement means judges whether the diversity reception stop instruction has been attached to the received piece of traffic channel assignment information (see col. 6, lines 66-68 and col. 7, line 1).

Referring to Claim 6, Hamabe also teaches the judgement means further judging whether data received by the reception means through a traffic channel includes the diversity reception stop instruction (see col. 6, lines 66-68 and col. 7, line 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.


Art Unit: 2682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun  
Examiner  
Art Unit 2682

EY

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600